

Office of State Appellate Public Defender

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2005 Total App	FY 2005 Actual	FY 2006 Approp	FY 2007 Request	FY 2007 Gov Rec
BY FUND CATEGORY					
General	1,504,600	1,265,800	2,019,300	2,182,400	1,988,900
Dedicated	0	0	35,400	0	0
Total:	1,504,600	1,265,800	2,054,700	2,182,400	1,988,900
Percent Change:		(15.9%)	62.3%	6.2%	(3.2%)
BY OBJECT OF EXPENDITURE					
Personnel Costs	1,026,900	986,900	1,464,800	1,610,600	1,440,600
Operating Expenditures	477,700	278,900	549,200	564,300	548,300
Capital Outlay	0	0	40,700	7,500	0
Total:	1,504,600	1,265,800	2,054,700	2,182,400	1,988,900
Full-Time Positions (FTP)	15.00	15.00	21.00	23.00	21.00

Division Description

The Office of the State Appellate Public Defender was created in 1998 by House Bill 840 during the Fifty-Fourth Idaho Legislature. The intent of the legislation was to create a Capital Crimes Defense Fund to help defray the cost of capital litigation at the trial level for Idaho counties. Additionally, the intent of the legislation was to create the Office of the State Appellate Public Defender to reduce the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly for first-degree murder, which had been an expensive and unpredictable burden on the counties. In addition, there had developed the perception that because of the different degree with which some counties could respond financially to this demand, it was possible that justice could be pursued unevenly throughout the state. The services of the State Appellate Public Defender are only available to those counties who participate in the Capital Crimes Defense Fund. The State Appellate Public Defender provides services in the following areas:

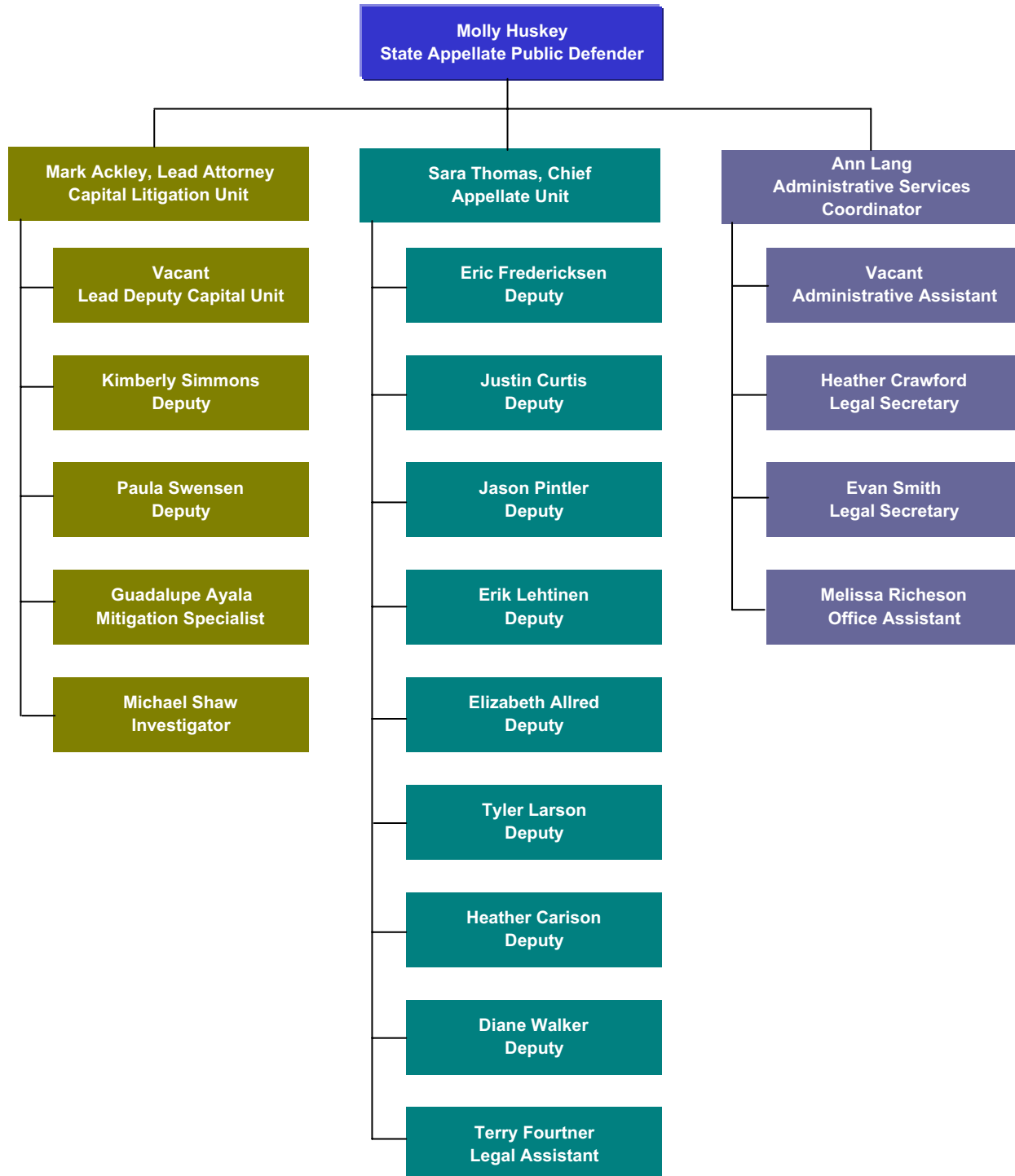
- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

State Appellate Public Defender

Agency Profile

Analyst: Burns

Organizational Chart



State Appellate Public Defender

Agency Profile

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Sources of Funds

	<u>Percent of Total</u>	<u>FY 2005 Actual</u>	<u>FY 2006 Estimate</u>	<u>FY 2007 Request</u>
1. General Fund (0001-00)	100%	1,265,800	2,292,200	2,182,400

The General Fund consists of, "moneys received into the treasury and not specially appropriated to any other fund." The fund sources are individual income tax, corporate income tax, sales tax, cigarette tax, beer tax, wine tax, liquor surcharge, kilowatt hour tax, mine license tax, Treasurer's interest on investments of certain idle state funds, court fees and fines, insurance premium tax, sale of alcoholic beverage licenses, unclaimed property, articles of incorporation and uniform commercial code filing fees, estate and transfer tax, and other miscellaneous sources from various agency receipts.

Selected Measures

	<u>FY 2003 Actual</u>	<u>FY 2004 Actual</u>	<u>FY 2005 Actual</u>
1. Appellate Unit			
Total number of cases	535	628	605
Average Caseload	70	103	51
Highest Caseload	74	122	73
Lowest Caseload	58	90	22
National Standard Caseload	20 - 25	20 - 25	20 - 25
Percentage Above National Standards	280%	412%	104%
2. Capital Litigation Unit			
Total number of cases	6	6	5
Average Caseload Per Attorney	3	3	2.5
Percentage Above National Standards	100%	100%	0%

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2006 Original Appropriation	21.00	2,019,300	2,054,700	21.00	2,019,300	2,054,700
Reappropriations	0.00	228,200	228,200	0.00	228,200	228,200
HB 395 One-time 1% Salary Increase	0.00	9,300	9,300	0.00	9,300	9,300
Omnibus CEC Supplemental	0.00	0	0	0.00	14,700	14,700
FY 2006 Total Appropriation	21.00	2,256,800	2,292,200	21.00	2,271,500	2,306,900
Removal of One-Time Expenditures	0.00	(290,200)	(325,600)	0.00	(290,200)	(325,600)
FY 2007 Base	21.00	1,966,600	1,966,600	21.00	1,981,300	1,981,300
Benefit Costs	0.00	18,900	18,900	0.00	(26,900)	(26,900)
Inflationary Adjustments	0.00	10,200	10,200	0.00	10,200	10,200
Statewide Cost Allocation	0.00	900	900	0.00	900	900
Change in Employee Compensation	0.00	12,700	12,700	0.00	23,400	23,400
FY 2007 Program Maintenance	21.00	2,009,300	2,009,300	21.00	1,988,900	1,988,900
1. Staff Raises	0.00	56,600	56,600	0.00	0	0
2. Support Staff	2.00	101,500	101,500	0.00	0	0
3. Conflict Case Contracts	0.00	15,000	15,000	0.00	0	0
FY 2007 Total	23.00	2,182,400	2,182,400	21.00	1,988,900	1,988,900
Change from Original Appropriation	2.00	163,100	127,700	0.00	(30,400)	(65,800)
% Change from Original Appropriation		8.1%	6.2%		(1.5%)	(3.2%)

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2006 Original Appropriation	21.00	2,019,300	35,400	0	2,054,700

Reappropriations

Reappropriation authority -- otherwise known as carry over -- allows unspent funds from the prior fiscal year to be carried over and spent in the current fiscal year. Those moneys are then removed as one-time expenditures before calculating the FY 2007 Base. Carry over was granted the Office of State Appellate Public Defender for moneys appropriated to it in fiscal year 2005 for mitigation and litigation expenses in capital cases only.

Agency Request	0.00	228,200	0	0	228,200
Governor's Recommendation	0.00	228,200	0	0	228,200

HB 395 One-time 1% Salary Increase

Reflects a one-time 1% Change in Employee Compensation (CEC) increase.

Agency Request	0.00	9,300	0	0	9,300
Governor's Recommendation	0.00	9,300	0	0	9,300

Omnibus CEC Supplemental

Agency Request	0.00	0	0	0	0
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The Governor's FY 2007 recommendation is a 3% ongoing increase in employee compensation (CEC), based on merit, to commence in FY 2006 with the January 29 pay period. This will allow agencies to fund employee compensation increases for ten pay periods prior to the end of the current fiscal year. Funding for the remaining 16 pay periods is provided in the FY 2007 CEC.

Governor's Recommendation	0.00	14,700	0	0	14,700
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FY 2006 Total Appropriation					
Agency Request	21.00	2,256,800	35,400	0	2,292,200
Governor's Recommendation	21.00	2,271,500	35,400	0	2,306,900

Removal of One-Time Expenditures

Removes \$35,400 for the twenty-seventh payroll, \$9,300 for CEC, \$228,200 for carry over, and \$52,700 for other one-time items.

Agency Request	0.00	(290,200)	(35,400)	0	(325,600)
Governor's Recommendation	0.00	(290,200)	(35,400)	0	(325,600)

FY 2007 Base					
Agency Request	21.00	1,966,600	0	0	1,966,600
Governor's Recommendation	21.00	1,981,300	0	0	1,981,300

Benefit Costs

Includes the employer-paid portion of estimated changes in employee benefit costs. The two biggest factors are health insurance rates and retirement rates. Health insurance is projected to increase by 6.1% or \$436 per position. Retirement rates are scheduled to increase by 5.9% from 10.39% to 11% of salary for regular employees and by 5.7% from 10.73% to 11.34% of salary for police and firefighters. Other benefit changes include minor adjustments in unemployment insurance rates and workers compensation rates.

Agency Request	0.00	18,900	0	0	18,900
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Removes the PERSI rate increase and changes benefit costs to reflect a 3.5% or \$250 per FTP increase in health insurance costs. However, the change in health insurance providers, from Blue Shield to Blue Cross, has created a one-time opportunity to use unexpended reserves from the previous contract. This decision unit provides for a health insurance premium reduction equal to two month's premiums for both the employer and employee. Finally, a life insurance holiday is included equal to seven month's premium for the employer's share only.

Governor's Recommendation	0.00	(26,900)	0	0	(26,900)
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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
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Inflationary Adjustments

Includes a general inflationary increase of 1.9% in operating expenditures.

Agency Request	0.00	10,200	0	0	10,200
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>10,200</i>	<i>0</i>	<i>0</i>	<i>10,200</i>

Statewide Cost Allocation

Includes adjustments in State Controller and Risk Management fees.

Agency Request	0.00	900	0	0	900
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>900</i>	<i>0</i>	<i>0</i>	<i>900</i>

Change in Employee Compensation

Reflects the cost of a 1% salary increase for permanent and group positions.

Agency Request	0.00	12,700	0	0	12,700
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Provides funding for the remaining 16 pay periods to annualize the 3% ongoing change in employee compensation recommended in the omnibus CEC supplemental.

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>23,400</i>	<i>0</i>	<i>0</i>	<i>23,400</i>
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FY 2007 Program Maintenance

Agency Request	21.00	2,009,300	0	0	2,009,300
<i>Governor's Recommendation</i>	<i>21.00</i>	<i>1,988,900</i>	<i>0</i>	<i>0</i>	<i>1,988,900</i>

1. Staff Raises

Funding is requested for a three percent salary increase for most employees, with three staff positions receiving more than three percent. One of those positions is a support staff position, who despite having similar responsibilities, currently makes about \$4,500 less on an annual basis. Two other employees have been assigned additional management responsibilities in the Appellate Unit, in addition to their existing caseload. To properly compensate for this additional responsibility, one attorney would receive a twelve percent increase, for a \$5,900 raise, while another attorney would receive a sixteen percent raise for an amount of about \$7,600. This would result in both of them receiving an annual salary of \$55,000.

Agency Request	0.00	56,600	0	0	56,600
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Not recommended by the Governor.

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
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2. Support Staff

Currently, the SAPD has two staff serving as support for eight attorneys. Existing support staff include one paralegal and one administrative position. In the past, temporary positions, as well as, interns from Boise State University have also been used to assist in this effort. With the addition of three attorneys that were authorized this year, however, the workload has increased substantially. Funding is requested to add two administrative assistants to help ensure that all cases are handled effectively and efficiently. Of the amount requested, \$7,500 is one-time.

Agency Request	2.00	101,500	0	0	101,500
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Not recommended by the Governor.

<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
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3. Conflict Case Contracts

Idaho Code, §19-871, states that: "Should the state appellate public defender be unable to carry out the duties required in this act because of a conflict of interest or any other reason, the state appellate public defender shall arrange for counsel for indigent defendants to be compensated out of the budget of the state appellate public defender." Because of this and because there was a \$20,000 increase in the cost of conflict services in fiscal year 2005, funding is requested to help cover these costs in fiscal year 2007.

Agency Request	0.00	15,000	0	0	15,000
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Not recommended by the Governor.

Governor's Recommendation	0.00	0	0	0	0
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FY 2007 Total					
Agency Request	23.00	2,182,400	0	0	2,182,400
Governor's Recommendation	21.00	1,988,900	0	0	1,988,900

Agency Request

Change from Original App	2.00	163,100	(35,400)	0	127,700
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% Change from Original App	9.5%	8.1%	(100.0%)		6.2%
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Governor's Recommendation

Change from Original App	0.00	(30,400)	(35,400)	0	(65,800)
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% Change from Original App	0.0%	(1.5%)	(100.0%)		(3.2%)
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